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HUMAN RIGHTS COMMITTEE

Fifty-fifth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1450th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 1995, at 4.10 p.m.

Chairman: Mr. AGUILAR URBINA

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1450.

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The public part of the meeting was called to order at 4.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

Methods of work (M/CCPR/54/WORKMET/2, M/CCPR/C/55/WORKMET/1)

1. Mr. BUERGENTHAL recalled that the Committee at its previous session had established an informal working group composed of Mr. Aguilar Urbina, Mr. Ando, Ms. Evatt, Mr. Klein, Mr. Pocar and himself to explore the possibility of obtaining additional resources for the work of the Committee. The Group had met several times and had reached the conclusion that the search for additional resources must be preceded by a clear definition of the purposes for which those resources would be required. Accordingly, the group felt that it would be useful for it to meet informally for about a week before the Committee's next session in New York with a view to taking a closer look at the Committee's goals and methods of work and drafting a recommendation for submission to the Committee. Financing for such a meeting, which would be held in Washington D.C., was available from sources other than the United Nations. His offer to host the meeting was, of course, based on the understanding that the Committee was not giving the working group any powers other than those of discussing and reporting back on the various issues involved.

2. The CHAIRMAN said that, in his view, the Committee would be well advised to avail itself of Mr. Buergenthal's gracious offer to host a meeting of the working group at his institute in Washington D.C. The current system used in dealing with the question of methods of work had not proved very efficient and it seemed desirable that some time should be set aside for the purpose prior to the next session.

3. Mr. BHAGWATI asked what was the precise mandate of the informal working group. A paper on methods of work of the Committee under article 40 of the Covenant (M/CCPR/54/WORKMET/2) had already been prepared and was scheduled for discussion by the Committee; as to the question of communications, a method had already been devised and, so far as he knew, was working quite well.

4. The CHAIRMAN said that, while the new method was working better than the old one, it was not giving complete satisfaction. Although a paper on methods of work had indeed been prepared and was awaiting discussion, it was still felt that other avenues should be explored. The informal working group would try to work out new proposals, more especially on the question of fund-raising, and would submit them for the Committee's approval at the March session. In that connection, he referred to pressures for greater efficiency being exerted on the Committee from various quarters and, in particular, to a suggestion emanating from New York that the current session should be reduced to two weeks, a suggestion which at so late a stage could only be described as outrageous.

5. Mr. EL SHAFEI said that in the matter of fund-raising outside the United Nations budget the Committee should work in close consultation with the High Commissioner for Human Rights and the Director of the Centre for Human Rights.

6. Mr. MAVROMMATIS said that the idea of an exploratory meeting of the working group before the next session was an excellent one. As to the pressures on the Committee referred to by the Chairman, he considered that the authorities in New York should be reminded of article 36 of the Covenant, according to which the Secretary-General of the United Nations was required to provide the necessary staff and facilities for the effective performance of the Committee's functions.

7. Mr. KLEIN introduced the recommendations contained in document M/CCPR/54/WORKMET/2, which had been prepared by the Working Group that had reviewed the Committee's working methods under article 40 of the Covenant.

8. The CHAIRMAN drew attention to document M/CCPR/C/55/WORKMET/1, which suggested the insertion of a new paragraph 14 (b) in document M/CCPR/54/WORKMET/2. He invited members to consider the documents paragraph by paragraph.

9. Mrs. CHANET thanked the Working Group for its recommendations. With reference to the first sentence of paragraph 3 proposing the preparation of more precise and comprehensive lists of issues, she was pleased to note that that had clearly been done in the case of the report submitted by the United Kingdom.

10. Radical changes were needed to promote true dialogue. Most questions on the list of issues were prompted by the reports submitted by the States parties and the members of the Committee were free to ask questions not included in the list of issues. In the interests of encouraging worthwhile discussion, members should in her view comment on the answers given by the States parties instead of merely posing additional questions. She had reservations about the designation of "interested members". She believed that the rapporteurs, assisted by alternate rapporteurs, could play an active role in leading the discussions and drafting conclusions.

11. Mr. POCAR said that, for two reasons, he agreed that discussions should be based more firmly on the follow-up of answers provided by States parties. Firstly, when delegations representing States parties were caught off guard, they were unable to give adequate answers to the questions asked; and second, when Committee members did not comment on the information provided by delegations, the answers remained in suspense.

12. He believed the distribution of tasks according to the areas of expertise of members would lead to improved follow-up on the answers. However, it was not desirable to strengthen the role of the country rapporteur excessively. Although the rapporteur would have a deeper knowledge of the dossier, and therefore be better equipped to participate in a dialogue, further strengthening of his role could limit consideration of the report to a bilateral discussion between the rapporteur and the delegation representing the State party.

13. Mr. MAVROMMATIS said he hoped that the Committee would correct the paradox created by limiting consideration of initial reports to two meetings and having to wait five years for a second report which would take three or four meetings to consider. It was counter-productive for the Committee to

wait five years for a complete picture of a country's human rights situation. Questions should, as far as possible, be restricted to significant aspects of new points as they arose. He did not like the idea of "interested members" because one or more alternates would suffice in assisting the country rapporteurs.

14. Mr. LALLAH shared the views on paragraph 3 expressed by Mrs. Chanet. He did not favour the idea that one member should play a leading role in the consideration of reports; all members should play leading roles. He therefore suggested that point (iii) should be deleted from paragraph 4. With specific reference to initial reports, he felt that States parties should not be expected to reply after each chapter since they were given time at the end of the question session to provide answers. Members should bear in mind that restraint should be exercised in the frequency with which they took the floor.

15. Ms. EVATT expressed general support for paragraphs 3 and 4, but suggested a few modifications. If the Committee ensured that various members took individual responsibility for one or more questions in the list of issues, as had been done at the previous session, and tried to ensure that their questions had a broad focus, then the issues could be adequately explored in the discussions with States parties. She also supported Mrs. Chanet's suggestion that the rapporteur should take a direct role in drafting the conclusions. Another suggestion stressing the appointment of alternate rapporteurs, instead of "interested members", was a good one; but at no time should any member be precluded from taking the floor. She found it difficult to understand the suggestion that anyone could play a leading role. In all circumstances, however, the rapporteur, with the assistance of alternates, should ensure that each question on the list of issues was answered.

16. Mr. PRADO VALLEJO said that over the years the Committee's performance in the consideration of reports had not been unsatisfactory. The Committee enjoyed a certain prestige and had discussed various aspects of the Covenant. In general, it had maintained productive and effective dialogue with States parties. In those cases where dialogue had been inadequate, the fault had usually lain with particular circumstances relating to the States parties and the reports they had submitted.

17. The procedures followed by the Committee should be improved, but he did not see how the Committee itself could change radically. He would lend full support to any measure that guaranteed improved productivity in the deliberations of the Committee. The preparation of a list of issues for initial reports was essential for the efficient consideration of those reports.

18. The use of the expression "interested members" in paragraph 3 created the false impression that Committee members acted in a biased manner. He asked for a clarification of the leading role of the country rapporteurs. He suggested that individual members of the Committee could be asked to study the reports in advance and subsequently convey their proposals or misgivings to the rest of the Committee. He believed the Committee should concentrate on making improvements wherever it could. One area of utmost importance was self-discipline. Overall performance could be vastly improved if Committee members refrained from asking irrelevant questions.

19. Mr. BAN said it was important to note that the proposals contained in paragraph 3 would have a significant impact on the functions of country rapporteurs as described in paragraph 4. In his view, the proposed new method should be applied on a flexible, case-by-case basis. While perhaps suited to long and complicated State reports like those of the United States and the United Kingdom, it would probably not be useful in the case of Sweden for example. He suggested that at the start of a session the country rapporteur should specify which method he deemed most appropriate to the State under consideration.

20. Mr. BRUNI CELLI said that the consideration of States' reports was carried out in much the same manner as when he had first joined the Committee nine sessions before, despite considerable talk about reforming its methods of work. There were 130 States parties, and the Committee had met for 15 sessions over a period of five years. If all those States parties fulfilled their obligations, the Committee would have to handle eight State reports during each three-week session. Under the current system of three meetings per report, that process would consume 12 of the available 15 days. Realistic solutions must be found. A five-member team might, for example, be appointed to handle each State report: those members would read all available materials and guide the discussions. Other members would intervene only on an exceptional basis. By that means, the duration of consideration of a State report could be reduced from three meetings to two.

21. Mr. BHAGWATI said that while he largely agreed with the proposals made in the working paper, he had several points to raise. Firstly, he did not agree that lists of issues should be made more comprehensive so that fewer questions would be asked in the course of the discussion. Questions often arose in response to the replies of the State; only thus could dialogue occur.

22. Second, the recommendation made in paragraph 4 indicated that a country rapporteur would have to be appointed before the end of a session in order to take part in the working group on article 40, which would meet one week in advance of the following session.

23. Third, he did not agree that recommendations made by a member should be limited to the issues he had agreed to address. He proposed that the second sentence in paragraph 7 should be amended to read: "... in connection with the issues which have been addressed in the course of the discussion".

24. The CHAIRMAN said that, in his view, the Committee needed above all to discipline itself. He wholly concurred with the remarks made by Mr. Bruni Celli. The concept of "interested members" (para. 3) was in keeping with Mr. Bruni Celli's proposal and had been put into practice in the recent discussion concerning the status of Hong Kong. Such "interested members" would familiarize themselves with all available materials and then brief the Committee on the main issues and problems. That would not, of course, prevent other members of the Committee from taking the floor; the "interested member" would simply provide guidance.

25. The lists of issues for both initial reports and periodic reports could perhaps be formulated without chapter divisions. Mrs. Chanet's suggestion that the members of the Committee should respond to the replies of delegations

was worth considering. Although international mail was sometimes delayed, members often received the reports of States parties a year or more before they were scheduled for consideration. Members might accordingly devote some time between sessions to perusing those documents and transmit their questions to the country rapporteurs. At the time of the session, they would then have only to react to independent sources of information and to respond to the replies of delegations to lists of issues.

26. Mr. KRETZMER said that the Chairman had addressed many of the points he wished to raise. At the previous session, he had proposed that working groups should be designated a full year in advance, with a view to greater efficiency; he wished to reiterate that proposal. The recommendations made in document M/CCPR/54/WORKMET/2 seemed merely cosmetic; deeper reform was necessary. At the present pace, the Committee could consider the reports, of, at best, only 75 countries in the coming five years. Under the current system, all States parties were required to meet the same five-year rule, regardless of their human rights records. In his view, criteria should be developed for distinguishing between such countries. The Committee might, for example, make use of special reports, or consider periodic reports on a more selective basis. He wished to stress that he was, of course, fully aware of the political implications of such an approach.

27. Rather than formulating more comprehensive lists of issues, the Committee should weigh the importance of the issues facing each country and then focus the discussion on those it deemed to be most urgent. Although identifying the major issues would admittedly take time, such an approach would, in his view, ultimately prove more effective.

28. Mr. LALLAH said that he disagreed with Mr. Bruni Celli's assertion that no progress had been made; many decisions on working methods had been taken and implemented in recent years.

29. The CHAIRMAN said that members had agreed that lists of issues should be formulated in response to initial reports, but not on whether they should be divided into chapters. No consensus had been reached on any other matter. The discussion on working methods would be resumed at a subsequent meeting during the current session.

The public part of the meeting rose at 5.30 p.m.